

JAN-27-2004 14:05

McGarry Bair PC

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PTO/SB/01 (3-97)

Approved for use through 6/30/98. OMB 0651-0032

Patent and Trademark Office; US DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION		Attorney Docket No.	71202-0048
		First Named Inventor	Richard M. Chesbrough, M.D.
COMPLETE IF KNOWN			
		Application No.	
		Filing Date	
		Group Art Unit	
		Examiner Name	

☐ Declaration submitted with or initial filing ☐ Declaration submitted after initial filing

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (only if one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TISSUE LOCALIZING AND MARKING DEVICE AND METHOD OF USING SAME
(Title of the Invention)

the specification of which
☐ is attached hereto
or
☐ was filed on _____, as United States Application Number or PCT International Application Number: _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number (s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/427,048	11/18/2002	

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DECLARATION - Utility Or Design Patent Application							
I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the matter provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.							
U.S. Parent Application Number		PCT Parent Number		Parent Filing Date (MM/DD/YYYY)		Parent Patent Number (if applicable)	
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.							
As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: <input checked="" type="checkbox"/> Customer Number 20915 Or <input type="checkbox"/> Registered practitioner(s) name/registration number listed below							
				Place Customer Number Bar Code Label Here			
Name		Registration No.		Name		Registration No.	
John E. McGarry		22,360		G. Thomas Williams		42,228	
Joel E. Bair		33,356		Michael F. Kelly		50,859	
Mark A. Davis		37,118					
<input type="checkbox"/> Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.							
Direct all correspondence to <input checked="" type="checkbox"/> Customer Number or Bar Code Label				20915		or <input type="checkbox"/> Correspondence Address below	
Name		Mark A. Davis, Reg. No. 37,118 McGarry Bair PC					
Address		171 Monroe Avenue, NW, Suite 600					
City, State, Zip		Grand Rapids, Michigan 49503					
Country		US		Telephone		616-742-3500	
				Fax		616-742-1010	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
Name of Sole or First Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor.			
Given Name (first and middle [if any])				Family Name or Surname			
Richard M.				Chesbrough			
Inventor's Signature						Dated 1/13/04	
Residence: City		Bloomfield Hills		State		MI	
				Country		USA	
Post Office Address		7180 Parkhurst Drive					
City		Bloomfield Hills		State		MI	
				Zip		48301	
				Country		USA	
<input checked="" type="checkbox"/> Additional inventors are being named on the one supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.							

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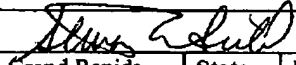
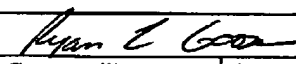


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Name of Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Steven E.				Field			
Inventor's Signature						Dated 11-21-03	
Residence: City	Grand Rapids	State	MI	Country	USA	Citizenship	US
Post Office Address	3373 Brookpoint, S.E.						
City	Grand Rapids	State	MI	Zip	49546	Country	USA
Name of Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Ryan L.				Goosen			
Inventor's Signature						Dated 12-19-03	
Residence: City	Coopersville	State	MI	Country	US	Citizenship	US
Post Office Address	17564 Egan Dr.						
City	Coopersville	State	MI	Zip	49404	Country	USA